

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAMEKA DOWDY, JEFFREY HUNTER, SEAN
MILAN, JOEL PURSER, SANDRA CASTRO, CECELIA
ROJAS, KEVON CHISHOLM, RICHARD ORTEGA,
MARISOL CONCEPCION, ROBERT TABON,
RASHEEN ODOM, CARMELITA GORDON-
FLEETWOOD, and RAYMOND PACHECO,

On behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK,

Defendant.

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**DECLARATION OF
ASSISTANT CORPORATION
COUNSEL TALYSIA
FRANCIS IN SUPPORT OF
DEFENDANT’S MOTION TO
DISMISS THE THIRD
AMENDED CLASS ACTION
COMPLAINT**

22 Civ. 6284 (ALC) (SDA)

TALYSIA FRANCIS declares that the following is true and correct under
penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Corporation Counsel in the office of the Honorable
Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, the attorney for
Defendant in the above referenced action.

2. I submit this declaration in support of Defendant’s Motion to Dismiss the
Third Amended Class Action Complaint (“TAC”).

3. Annexed hereto as Exhibit “A” is a copy of the Notice of Examination
(“NOE”) for New York City Civil Service Title “Sanitation Worker,” Title Code 70112,
announced under Exam No. 2060 by the Department of Citywide Administrative Services
(“DCAS”) Bureau of Examinations.

4. Annexed hereto as Exhibit “B” is a copy of the NOE for New York City Civil Service Title “Sanitation Enforcement Agent,” Title Code 71681, announced under Exam No. 0193 by the DCAS Bureau of Examinations.

5. Annexed hereto as Exhibit “C” is a copy of the NOE for New York City Civil Service Title “Associate Sanitation Enforcement Agent,” Title Code 71682, announced under Exam No. 0590 by the DCAS Bureau of Examinations.

6. Exhibits “A” through “C” are publicly-available documents describing the job responsibilities and qualifications for the Sanitation Worker, Sanitation Enforcement Agent, and Associate Sanitation Enforcement Agent Civil Service Titles. Plaintiffs had notice of these documents and relied on their contents in drafting the TAC and, as such, they may properly be considered on this motion to dismiss. See Chambers v. Time Warner, Inc., 282 F.3d 147, 152-153 (2d Cir. 2002).

7. Annexed hereto as Exhibit “D” is Department Message #DM2022-5431, subject line “SANITATION POLICE OFFICER POSITIONS,” dated September 1, 2022 at 10:18 AM. Exhibit “D” is incorporated by reference as it is quoted in the TAC at paragraph 101 and may therefore be considered on this motion to dismiss. See ECF Dkt. No. 146, TAC, ¶ 101; Fed. R. Civ. P. 10(c); Int’l Audiotext Network, Inc. v. Am. Tel. & Tel. Co., 62 F.3d 69, 72 (2d Cir. 1995).

8. Annexed hereto as Exhibit “E” is a copy of the Petition in the matter of Petition filed in the matter of Law Enforcement Employees Benevolent Association (“LEEBA”), Sean Milan, and Joel Purser [both Plaintiffs in this action] v. City of New York, et al., under Index No. 153154/2023, in the Supreme Court of the State of New York, New York County, NYSCEF Doc. No. 2.

9. Annexed hereto as Exhibit “F” is a copy of the Court’s decision granting Defendant’s cross-motion to dismiss the above referenced Petition on default. See NYSCEF Doc. No. 22.

10. Annexed hereto as Exhibit “G” is a copy of the Impasse Panel Arbitration decision in the matter of the City of New York and Law Enforcement Employees Benevolent Association re Associate Sanitation Enforcement Agents, No. I-268-17 dated August 21, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 22, 2024

/s/ Talysia Francis

Talysia Francis
Assistant Corporation Counsel